

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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UNITED STATES OF AMERICA, et al.	)	
<i>ex rel.</i> Tricia Nowak & Enda Dodd	)	
	)	
	)	
Plaintiffs,	)	Case Nos. 1:08-cv-10368 and
	)	09-cv-11625 (DPW)
v.	)	
	)	
MEDTRONIC, INC.	)	
	)	
Defendant.	)	
_____	)	

**UNITED STATES OF AMERICA’S MOTION FOR LEAVE TO FILE  
RESPONSE TO DEFENDANT’S SUPPLEMENTAL BRIEF**

The United States hereby requests leave of court to file, pursuant to 28 U.S.C. § 517, the attached Response to Defendant’s Supplemental Brief. While the United States has not intervened in this action brought under the False Claims Act, 31 U.S.C. §§ 3729 *et seq.* (“FCA”), it remains a real party in interest. It seeks leave, previously having filed a Statement of Interest on the pending motion to dismiss, to address a number of points and assertions made in the defendant’s proposed Supplemental Brief that specifically concern federal programs.

WHEREFORE, the United States respectfully requests leave of court to file the attached Response to Defendant’s Supplemental Brief.

Respectfully submitted,

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Dated: December 17, 2010

**L.R. 7.1(A)(2) Certification**

The undersigned counsel for the United States of America hereby certifies that he conferred with counsel for the parties in an effort to narrow the issues herein. The relator filed an opposition to Medtronic's motion for leave to file, but does not oppose the filing of this brief in response if the Court sees need to allow additional briefs. Counsel for Medtronic, Inc., has no opposition to this motion.

/s/ Donald J. Savery  
DONALD J. SAVERY  
Assistant U.S. Attorney

**Certificate of Service**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and paper copies will be sent to those indicated as non-registered participants on December 17, 2010.

/s/ Donald J. Savery  
DONALD J. SAVERY  
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